

Remarks

Claims 1-12 have been cancelled. Claims 13-39 have been added.

Support for new claims 13-39 can be found in the claims as originally filed and on pages 2-7 of the specification, for example.

Support for the language “n is an integer” is either an inherent property of the compound (in the case of the charge “n⁺”) or is implied by Applicant’s specification and claims as originally filed.

Suggested Restriction Requirement

As permitted under §1.142(c), Applicant makes the suggested restriction requirement set forth below.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 13-27, drawn to a vanadium-containing compound having the chemical structure shown in claim 13 or claim 14, a pharmaceutical composition thereof, and a method of inhibiting a phosphatase comprising administering to a patient a vanadium containing compound having the formula shown in claim 17.

II. Claims 28-39, drawn to a vanadium-containing compound having the chemical structure shown in claim 29 or claim 30, a pharmaceutical composition thereof and a method of inhibiting a phosphatase comprising administering to a patient a vanadium containing compound having the formula shown in claim 33.

The inventions are independent or distinct, each from the other because:

Inventions I and II are related to one another as vanadium containing compound. . The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the

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instant case, the inventions as claimed are structurally distinct, they do not encompass overlapping subject matter and they are not obvious variants.

In addition, it is appreciated that the examination of Inventions I and II may be burdensome on the Office.

Election

As required by § 1.142(c) which requires Applicant to make an election without traverse when making a suggested restriction requirement, Applicant elects Invention I without traverse. Claims 13-23 and 32 are encompassed within Invention I.

Conclusion

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 251-3509.

Respectfully submitted,

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